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TO THE
RIGHT HONOURABLE
THE
COMMONS
OF ENGLAND
Assembled in
PARLIAMENT.

The humble Petition of Sir JOHN STAWELL

• *Sheweth,*

THat by a Certificate made by the *High Court of Justice* upon Tryal of his life, which was directed to, and read in Parliament the 10th of *June*, 1651. As also by a *Judgement* past on the 15th of *August*, 1653. for the restitution of his estate, it appears, That your Petitioner hath good right to the *Articles of Exeter*, dated the 8 of *April*, 1646. and that he hath performed all that was on his part by the said Articles required, notwithstanding which said Articles, (importing a *Contract* and *Bargain* made, not to be voyded as he humbly conceives in *common Right*, and *Justice*, but by his own consent) your Petitioner hath been hitherto debarred the benefit of them ; His Person imprisoned ever since the year 1646. Nothing allowed unto him out of his own, for the space of many years to afford him his daily Bread : Himselfe, during that time, several times tryed for his Life : His Good Name by scandalous Letters, and Impeachments of Felony , and High Treason, defamed ; His estate totally sold ; Divers Judgments recovered against him for things relating to the unhappy differences ; His Family ruin'd, destroy'd, and brought to the extreamest point of Misery ; And the *Publique Faith* , *Honour* , and *Justice* of the late Parliament , Army , and Nation in general, highly scandalized, contrary to their Honourable, Just, and Equitable Intentions, declared by several Acts, Orders, and Ordinances made for the relief of such as claim the Benefit of Articles ; and contrary to the Order and Judgement of the Court of Articles appointed by them to *Hear*, and *Determine* Causes of that Nature. All which miseries and pressures were brought upon him originally, by means of M^r *John Ash* (Chairman of the Committee of *Goldsmiths-Hall*, when your Petitioner first appeared to make tender of his composition) who coveting the Farm at *Aubery* (part of your Petitioners Estate) and having conferred with Sir *Edward Baynton* touching the same, did in the first place, upon untrue Suggestions made to the Parli-
ment,

ment, procure the benefit of your Petitioners Composition before it was set : And having gotten by this meanes a kind of Interest in his Estate, did unjustly caluminate your Petitioner before his Admittance to the Committee, who were strangers unto him: And when he was admitted, the said *Mr. Ash* told him, *That the Petition delivered by him was a Remonstrance, not a Petition, wherein he had rejected the Parliaments Mercy offered him in his Articles, and had put a Contempt upon the Authority of Parliament.* And did at the same Time, obtrude Oaths upon him, contrary to the said Articles; Upon refusall of which, and the Judgment which *Mr. Ash* had past upon his Petition, his Composition was denyed unto him : And the said *Mr. Ash*, together with *Mr. John Leech* (then Clerk to the said Committee) did in a few dayes after, by the entry of a false Record, contrive a way how your Petitioner might forfeit both Life and Estate together, in case he should refuse to part with the said Estate, when the sale thereof should be proposed unto him : And because this could not be well effected, but by authority of the then Parliament to bring him to a Tryal for his life, a Report was made to the House of Commons by *M. John Stephens* (who was not present when your Petitioner first appeared) to the same sense that the words were formerly delivered by *Mr. Ash* (*viz.*) *That your Petitioner had slighted and contemned the Authority of the then Parliament, and forfeited their mercy conteyned in the Articles of Exeter; together with this addition in the clothe thereof, That if they did not make Sir John Stawell a Traytor, Sir John Stawell had made them Traytors; strangely interpreting the Petition preferred by him to obteyn the benefit of his Articles, to be a forfeiture of them, and a contempt of that Authority which gave a confirmation unto them : Upon which Report, the House was pleased on the 18. of August 1646. to command your Petitioner to be brought from Ely-House (where he was kept a Prisoner by the Mittimus of *Mr. Ash* and some others) to Westminster, where *Mr. Ash* (coming severall times under pretence of kindness to visit him, whilst he was in the custody of his Keepers,) at last proposed unto him the Sale of the said Farme, offering for it not half of that it cost your Petitioner; and upon his refusal thereof, your Petitioner was forth-with brought to the Bar of the House of Commons, and from thence was committed to Newgate, and ordered to be tryed for his life as a Traytor, and was (by Indictment removed by *Certiorari* out of the County of Somerset) several mornings tryed for his life at the then Kings Bench-Bar accordingly.*

That the Parliament being thus incens'd against your Petitioner, the design to destroy him was droven on (as he conceives, upon the same Instigation) by the Committee appointed for drawing up the Act touching Delinquents, who on the 13th of March, 1648. did Resolve, *That your Petitioner should be presented to the House as a person formerly excepted for life, and then in Custody; And that it should be referred to the House, whether to proceed against him by way of*
Tryall

Tryall for Life, perpetuall Imprisonment, or Banishment, and Confiscation ; Whereupon it was Resolved by the House the day following, being the 14. of March (upon a Report made by Sir Arthur Hazelrig, who was one of the said Committee, and present when the Resolve was made) that he should be proceeded against for Life in the Upper Bench : And the Commissioners of Haberdashers-Hall (of whom Sir Arthur Hazelrig was likewise one, and present) on the 18. of March, 1649. did make a Resolve, That your Petitioner should be one of those named to the House, whose Estate was thought fit to be sold ; And your Petitioners Estate hath been sold accordingly.

That on the 9th of July, 1650. A special Act was published for the Tryal of your Petitioner, and some others, at the High Court of Justice (a Court not formerly known in England, till introduc'd by Mr. Lisle, Mr. Scot, Mr. Millington, Mr. Garland, Mr. Miles Corbet, Mr. Saye, and some others.) And by the said Act it was declared (as a ground for the Courts proceedings) That your Petitioner was not admitted to Composition; which Averment, as it was much insisted on by Mr. Prideaux (then Attorney Gener.) to the extream hazard of your Petitioners Life; so thereby it clearly appears, that the Parliament (giving credit to the said Reports made by their own Members, and supposing that in Truth your Petitioner had either forfeited the Benefit of his Articles, or been an excepted person for Life) did pursue their Resolves formerly made on the 14. of March, 1648. And at the time of your Petitioners Tryal upon the said Act, the said Mr. Ash, Mr. Leech and some others endeavoured by false Oaths ; Urging the said false Record against him ; Concealment of the Petition he first preferred to be admitted to his Composition; And by other indirect practices (according to the Designe aforesaid) to deprive him of his life, and to render (as much as in them lay) the Parliament it self (which is the very Fountain of Justice) Instrumental to the destruction of the Innocent.

And your Petitioner further sheweth, That by the Judgement of the said Court of Articles, he was to be admitted to compound for his whole Estate, both Real, and Personal, according to the Tenor of the said Articles, notwithstanding any the settlements, Sales, or Contracts thereof made, at such Rates, and in such manner, as others comprized within the said Articles have done : And that the Commissioners for compounding with Delinquents, were also thereby enabled, authorized, and required to permit your Petitioner to compound for his whole Estate as aforesaid : And in respect of the great Losses, & extream Damages w^{ch} your Petitioner had sustained by the Sequestration and Detention of his Estate, and the profits received out of it, for above seven years last past (before the Date of the said Decree) and by felling of his Woods, and Timber, and other wayes for want of being admitted to a timely Composition ; the said Court did Order and direct the said Commissioners to cause an exact Accompt to be made of the Rents, Issues, and Profits received for, or out of his Estate, since he first submitted to Composition, recommending to their Considerations the proofs before taken in the said Cause, Copies whereof attested by the Register, were

for that purpose to be presented unto them : And if the said Commissioners should finde the same to amount unto, or exceed the Fine or Composition which your Petitioner ought to have paid according to the Rate prescribed and allowed by the said Articles ; then the same to be allowed and accepted in lieu and full satisfaction of the said Fine so imposed upon him , or to be satisfied by your Petitioner according to his said Articles , otherwise the defect (if any were) to be supplied by him : And that if any Surplusage, or Overplus remained, the said Commissioners were ordered and desired to certifie the same to the said Court : And upon such computation, and satisfaction made as aforesaid, the said Commissioners were thereby further directed, and authorized to give their Order for such Acceptance of his Fine and Composition ; and to give your Petitioner a Discharge accordingly. And they were also thereby desired to give him all fitting Expedition in the Premises : And it was also further adjudged, and declared by the said Court, that after the making of the said Composition, your Petitioner should have the Liberty and Indempnity of his Person, free from all further Restraints, or Imprisonments : And that all Bayle, or other security entred into by him, or any other with him touching his true Imprisonment, should be delivered up to him and Vacated : And also that your Petitioner from and after such Composition should have the possession of his Estate freed and discharg'd from all Sequestrations and seizures whatsoever, And enjoy the same without any Claim or Demand of the said Trustees, or the survivors of them, or their Heirs : And further, that the Trustees for sale of Lands and Estates forfeited, should upon sight of the said Order and Award, stay and forbear all further Proceedings in the sale, or disposall of any the Lands or Estate of your Petitioner remaining unsold (if any such were :) And if any part of the moneys remained unpaid for any Lands belonging to him, then contracted for and sold, that they should likewise forbear to demand or receive the same, or to make any further Proceedings in the same, or to intermeddle further therewith, as by the Decree it selfe more fully appears ; Notwithstanding which, some of the Commissioners for Sequestrations, and Trustees for sale of Lands and other Persons have (in further prosecution of the said Design as he humbly conceives,) refused the tender made of his Composition for his whole Estate by virtue of the said Judgement, thereby denying him that common Justice they were intrusted to Administer ; Defrauded the Publique Revenue and Treasure ; And deprived him of one thousand pounds per Annum of his Estate, unsold after the Judgement of the Court of Articles was duly served upon them, and for which your Petitioner had really compounded, and satisfied his Fine, by colour of antedated Contracts, Orders, and other unjust Pretences : All which your Petitioner doubts not, clearly to prove against the particular persons named, together with some others guilty of the said misdemeanors, if thereunto admitted.

NOW FOR AS MUCH as it appears, That the Proceedings against your Petitioner for *Life, Liberty, and Estate* were all grounded upon the mis-representations made as aforesaid unto
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the late Parliament (who being of themselves very sensible of all Injuries done unto Articles) were pleased to *Declare* by their Act dated the 18th of July, 1649. That they were concerned in Honour and Justice, that the Faith of their Armies should be made Good, and receive no Violation; And that the Certificates, Orders, and Awards made by the Commissioners in that Act named, should be Conclusive, Binding, and observ'd by all Courts of Justice, Commissioners, Committees, and Persons concerned, any Law, Order, or Ordinance to the contrary notwithstanding.

And forasmuch as Acts of Parliament made for the Sale and Forfeiture of Estates, contrary to Articles of Warre, (which by the Law of Nations ought inviolably to be kept) have been by the Wisdom and Justice of former Parliaments not only Repealed, and made Voyd, (as a Case very far different from all other sales whatsoever,) But that the late Parliam. also were honourably pleased to Provide (not knowing then the claims that were, and might be made unto Articles;) That the Trustees in the first Act of Sale named, should Have, Hold, and Enjoy all and singular the Premises, subject to such Trust, and Uses, as by that Act, or in, or by Authority of Parliament should be thereafter further directed and appointed; And in pursuance of this power reserved to them, and received from them, not onely the Commissioners of Worcester House, have granted divers Reprizes for Lands sold by the first Act of Sale, (which comprehends your Petitioners Estate;) But the Trustees of Drury-house, and Commissioners of Haberdashers-Hall have done the like, upon Judgments given by the Court of Articles, authorizing the same.

Your Petitioner therefore most humbly prays

1. That those memorable Acts of Justice which have been done by your Noble Ancestors in former times, as well as those by the late Parliament of a later Date, may be thought worthy of your Consideration; And that in pursuance of them, the Names of John Stawell, and Edward Stawell (your Petitioners two Sons) together with his own, may be blotted out of the said Act of Sale; And that all Entries, and Records, that mention him either a Felon, or Traytor, may be so Cancelled, as to be had no more in Remembrance.

2. That he may be restored by Act of Parliament to the possession of his Estate, freed, and discharged from all Sequestrations, Sales, Seizures, Grants, Presentations, Augmentations, Incumbrances, or other Dispositions whatsoever, made either of the whole or any part thereof, since the time his Articles were first granted unto him; and that his Estate may be excepted out of any general Act, which shall be past for the confirmation of Sales.

3. That he may have Liberty and Indemnity for his person; That his Articles, together with the Judgement given thereupon the 15th of Aug. 1653. may in all respects be made good unto him; And that according to the same, a proportionable sum agreeable with his Fine due by his Articles, may be deducted out of 25000 l. mentioned in, and found as Damages by the said Judgement,

ment, in lieu of the said Fine for his Composition ; And that the aforesaid Judgements recovered against him may be null'd and vacated.

4. That himself, and such as he shall employ, may (for your clearer satisfaction touching the whole matter of his Petition) have liberty to take a view, and Copies of all *Papers, Entries, and Records* in *Drury-House, Gurney-House, Haberdashers Hall*, or elsewhere, and of the *Treasurers Accompts* touching the same ; for that your Petitioner believes a very inconsiderable sum will appear to have been given (in ready money) to the use of the Publique for his Estate, if compared to 63882 l. 18 s. 9 d. wherewith the *Trustees of Drury house* have charg'd themselves upon sale thereof. And that his Cause (being more then of a private concernment) may have the honour to be heard at your Barre.

5. And lastly, Forasmuch as the aforesaid Offences being in themselves hainous, are considered by the *Laws* of this *Kingdom* under a two-fold respect ; *The one*, as they relate unto the *Publique* ; *The other*, as they concern the *Party* grieved ; And for that your Petitioner having been no ways negligent in the prosecution of his *Right*, and *Relief*, hath notwithstanding had the profits of his Estate so many years detained from him, that according to the computation of years, and the exceeding great waists that have been lately made by the *Inhabitants of Taunton*, by plucking downe his principal House, destroying his Parke, Woods, and Timber ; And by some other persons on other parts of his Estate ; The Damages, together with the mean profits thereof, will upon a true accompt, amount to a greater sum then his Estate is now worth, were it to be sold. Your Petitioner therefore most humbly prays your Honours, That (since his Case is the only Case that hath met with so many *Unavoidable Evills*, as have been formerly mentioned) You would be pleased by your honourable Judgment upon the whole matter, to afford unto him answerable reparations : And secure the *Kingdom* for the future from such *Trustees* and *Ministers of Justice*, as have not known (in your Petitioners Case) how to discharge their *Oaths* and *Duties* : Or if your more weighty affairs shall not admit a particular examination of the aforesaid offences, whereby his *Damages* may be the better ascertained, He humbly prays, it may be **Provided**, That no *Act of Oblivion, General Pardon*, or other thing may extend to the Freeing of any Person, or Persons guilty of the Breach of the said Articles. But that the Persons aforesaid, and (in case any of them be dead) their *Heirs, Executors, and Administrators* may be liable to such damages, to be recovered at the *Common-Law*, as may fully recompence your Petitioner for his very great Losses and Sufferings occasioned by the Breach of them ; any *Act, Law, Ordinance*, or other thing to the contrary notwithstanding.

And your Petitioner shall ever pray, &c.

JOHN STAWELL.

Sir John Stawells Pe-
tition, 1660.